

REMARKS/ARGUMENTS

Applicants thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicants regard as the invention. Applicants respectfully submit that the present application is in a condition for allowance in view of the following remarks.

Interview Summary – 37 CFR §1.133

Applicant thanks the Examiner and Supervisory Patent Examiner Fischer for taking the time to conduct a telephone interview with Applicant's representative on June 4, 2009. During the telephone interview each of the independent claims was discussed in view of the cited art.

More specifically, the interpretation of the token disclosed in Hillegass as corresponding to the claimed product was discussed. The use of the product code recited in the independent claims in converting the product from a disabled state to an enabled state and the relative order of the method steps were also discussed. The Examiner's first impression was that the proposed amendment would be sufficient to overcome the current rejection of the independent claims, however, the Examiner reserved the right to re-evaluate the teachings of the art of record in view of the amendments made herein before rendering a decision. No formal agreement was reached regarding whether the proposed amendments to the claims in view of the art of record.

Specification

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter. However, Applicants respectfully submit that this objection is moot in view of the amendments made to claim 23 herein.

Claim Rejections – 35 U.S.C. § 112, ¶2

Claim 23 was also rejected under 35 U.S.C. §112, ¶2, as being indefinite. But again, the Applicants' amendment to claim 23 is believed to have rendered this rejection moot.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-3, 5, 6, 23, 35, 36, 38-42 and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0007351 to Hillegass *et al.* (hereinafter “Hillegass”). However, Applicant respectfully submits that Hillegass fails to teach every feature of the invention in the amended independent claims, and it would not be obvious to one of ordinary skill in the art to modify the teachings of the Hillegass to include the missing features.

Regarding amended claim 1, Applicants respectfully submit that Hillegass fails to teach, suggest or otherwise render predictable requesting a product code for a previously purchased product that was purchased and provided to an electronic device in a disabled state *before the request was transmitted*. As discussed during the telephone interview, if the token is considered to be the product, the token is never provided to the electronic device in a disabled state. Thus, there would be no opportunity in Hillegass to request a product code after the purchased product was provided to the electronic device in a disabled state. In fact, if the token in Hillegass was disabled, the system therein would not function properly.

Further with regard to claim 1, Hillegass also fails to teach, suggest or otherwise render predictable sending the product code to be delivered to the electronic device to convert the product provided to the electronic device from the disabled state to an enabled state that enables use of the previously purchased product on the electronic device. Again, Hillegass fails to mention providing a product to the electronic device in a disabled state, which is noted in the Office action. However, the Office action explains that it is known to prevent access to unlicensed content, citing ¶[0007] of Hillegass, and thus it is obvious to make the product unusable on the electronic device until the product is enabled. Applicants respectfully submit that paragraph [0007] does not show it is known to prevent access to unlicensed content, but simply explains that it would be advantageous to offer protection against unauthorized copying of copyrighted materials, unauthorized use of tokens, etc... In other words, ¶[0007] acknowledges the need for such preventative measures, but does not disclose that any particular preventative measure is known, much less the use of a product code to enable a disabled, previously purchased product provided to an electronic device.

During the telephone interview it was also mentioned that the token could be used to purchase digital content from a distributor's database, and that this digital content could be considered the product in the present claims. According to such an interpretation, however, the digital content is not provided to the electronic device in a disabled state in Hillegass and enabled with a product code. Further, this product in Hillegass is also not provided to the electronic device before the request for a product code is transmitted and received as claimed.

For at least the above reasons, Applicant respectfully submits that claim 1 is patentable over Hillegass for purposes of 35 U.S.C. §103(a). And since claims 2-6 and 34-42 depend from claim 1, those claims are also patentable over Hillegass for purposes of 35 U.S.C. §103(a).

Regarding claim 23, Applicants respectfully submit that Hillegass also fails to teach, suggest or otherwise render predictable a controller for receiving a request for a product code from an electronic device over a communication network in response to installation or reinstallation of the product on the electronic device by the customer. In Hillegass, there is a request to make a purchase with a token, and the request includes the retrieval and transmission of the token identifier to the distributor. See, e.g., ¶[0032]. But the request in Hillegass is for the product itself, and not a product code. Further, the request in Hillegass is not received in response to installation or reinstallation of the product as claimed in amended claim 23, but instead in response to a command to purchase digital content. And for reasons analogous to those discussed above, Applicants also respectfully submit that Hillegass also fails to teach, suggest or otherwise render predictable that the product code is required to be entered into the electronic device before the product can be used on the electronic device.

For at least the above reasons, Applicant respectfully submits that claim 23 is patentable over Hillegass for purposes of 35 U.S.C. §103(a).

And finally, claim 44 is also patentable for reasons analogous to those discussed above with regard to claim 23. Specifically, Hillegass fails to teach, suggest or otherwise render predictable a storage device that includes instructions, which when executed on a processor cause the controller to receive a request from an electronic device requesting a product code for a previously purchased product *in response to installation or reinstallation of the product on the electronic device*. Further, Hillegass also fails to teach, suggest or otherwise disclose that the

execution of instructions causes sending of the product code to the electronic device to be inserted into an installation routine during installation or reinstallation of the product and convert the product from a disabled state in which the product is not usable on the electronic device into an enabled state in which the product is usable on the electronic device.

For at least the above reasons, Applicant respectfully submits that claim 44 is patentable over Hillegass for purposes of 35 U.S.C. §103(a).

The remaining claims in the present application are allowable for the limitations therein and for the limitations of the claims from which they depend.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ACER-45197.

Respectfully submitted,
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